

**E-FILED**

RECEIVED

2008 JAN 28 AM 11:07

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIF. S.J.**FILED**

JAN 28 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

2 BRIAN J. STRETCH (CABN 163973)  
3 Chief, Criminal Division

4 EUMI L. CHOI (WVBN 722)  
Assistant United States Attorney

5 150 Almaden Boulevard  
6 San Jose, California 95113  
7 Telephone: (408) 535-5079  
8 Facsimile: (408) 535-5066  
9 Email: Eumi.Choi@usdoj.gov

10 Attorneys for the United States of America

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 CARLOS CAGUIMBAL,

18 Defendant.

No. CR 07-00787-JW

19 STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
JANUARY 24, 2008 TO FEBRUARY 7,  
2008 FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A), (B))

20 On January 24, 2008, the parties appeared for a hearing before the Honorable Howard R.  
21 Lloyd.. At that time, defendant Caguimbal made his initial appearance on a judicial summons  
22 issued upon the indictment of defendant. Based upon the request of the parties, the Court set the  
23 matter for a status hearing on February 11, 2008, before Judge Ware. At this hearing, both  
24 government and defense counsel requested an exclusion of time under the Speedy Trial Act.

25 The United States hereby submits this written request for an order finding that the time  
26 between January 24, 2008 and February 11 2008, is excluded under the Speedy Trial Act, 18  
27 U.S.C. §3161, in that the ends of justice are served by taking such action and outweigh the best  
28 interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to

1 grant such a continuance would unreasonably deny counsel for defendant the reasonable time  
2 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.  
3 §3161(h)(8)(B).

4  
5 DATED: January 25, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

6  
7 \_\_\_\_\_/s/\_\_\_\_\_  
8 EUMI L. CHOI  
Assistant United States Attorney

9  
10 \_\_\_\_\_/s/\_\_\_\_\_  
11 MANUEL U. ARAUJO  
Attorney for Defendant

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 24, 2008 and February 7, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 1/29/08

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE